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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,894	06/20/2003	Holger Listle	10191/3186	5906
26646	7590	05/03/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			NGUYEN, THU V	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,894

Applicant(s)

LISTLE ET AL.

Examiner

Thu Nguyen

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-18 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The amendment filed on February 9, 2006 has been entered. By this amendment, claims 1-10, 12-14 are withdrawn from consideration, claims 16-19 have been added and claims 1-10, 12-19 are now pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyaki (US 2002/0130906) in view of Noble et al (US 2003/0085910) and further in view of Yokota et al (US 6,640,185) and Shmueli et al (US 2002/0145632).

As per claim 15, Miyaki teaches a driver information device comprising: a map display with special objects represented on the display by symbols (para 0003); a common indicator symbol in the map assigned to multiple symbols in one or a pre-selected radius of a location, a selection of the indicator symbol enabling a display of a list menu containing information about the special objects (abstract; para 0044-0045). Miyaki does not explicitly disclose that the menu should be a selection menu and the selection is displayed on the map display. However, Miyaki teaches superimposing a menu on the map (para 0045), moreover, Noble teaches

displaying the indicator symbol 102, and 106 (fig.2) at the same location on the map (fig.2) (para 0042) with details arranged in menu 106 (fig.2), arranging the details taught by Noble in menu format would have taught by Yokota in which selectable menu 120-122 (fig.12B) are displayed; moreover, Noble teaches displaying selection symbol 102 (fig.2) in the same location on the display and Shmueli teaches displaying a selection menu 88-92 (fig.6) with a symbol 86 (fig.6) displayable at the same location on the display and embedded in the selection menu (fig.6). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to display the menu taught by Miyaki as selectable menu as taught by Yokota and to display the menu embedding the symbol at the same location on the map as taught by the combined teaching of Noble and Shmueli in order to allow the user to obtain more information on an interested point of interest at the area the point of interest is located.

As per claim 16-17, Noble teaches a menu including a plurality of special object symbols 108a-108c (fig.2) of the multiple special object 106 (fig.2). Moreover, since Noble teaches the capability to present data according to the user selection (para 0032), and since providing further information regarding the displayed object in a menu would have been well known, Noble obviously encompasses teaching outputting additional information regarding the selected object. Furthermore, displaying a menu superimposing on a map display would have been well known.

As per claim 18, Yokota teaches using selection frame within a selection menu for selecting a desired special object (fig.12B).

Allowable Subject Matter

3. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is an examiner's statement of reasons for allowance:

Prior arts of record do not disclose a driver information device a map display taught in claim 15 in which a common indicator symbol indicating a presence of corresponding multiple special objects in the map display is presented, a selection of the common indicator symbol enabling a display of a selection menu containing information about the corresponding multiple special objects, during the display of the selection menu, the common indicator symbol is displayable at the same location on the map where it was displayed before the display of the selection menu and embedded in the selection menu, upon a first selection of the common indicator symbol for enabling a display of the selection menu, only special object symbols corresponding to the multiple special objects are superimposed on the map display, and upon a subsequent selection of the common indicator symbol text data associated with the special object symbols corresponding to the multiple special objects indicated by the common indicator symbol are additionally superimposed on the map display.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

In response to applicant's argument on page 8, last paragraph and page 9, first paragraph, Miyaki does not teach away from showing the common indicator at the same place in the map. Miyaki at least teaches displaying the multiple special objects (fig.9A) upon selection of the common indicator objects 51 (fig.8). It would have been obvious that those multiple special objects are also elements that can be gathered in menu format taught by Noble in fig.2. Since Miyaki teaches the capability to display the common indicator object 51 (fig.8), displaying the common indicator object together with the multiple special objects would have been a mere matter of design choice. The displaying format in which the common indicator object to be displayed with the multiple special object would have been well known as taught by Noble in fig.2 and by Shmueli in fig.7. Displaying the menu with the common indicator object and multiple special object using the known displaying menu format already available in the art at least from Noble and Shmueli would have been very obvious. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument on page 9, last paragraph, although Yokota does not disclose displaying a map with a menu, Yokota teaches the capability of displaying a map (fig.12B) and a menu 120 (fig.12B), incorporating the display of the two figures (the menu and a map) would have been an obvious matter of design choice. This obviousness is also disclosed by the applicant in page 5, lines 12-14.

In response to applicant's argument on page 10, Noble discloses the common indicator symbol 24 (para 0026) and the expansion menu with special symbols 106 (fig.2) (para 0032). Although Shmueli does not explicitly disclose applying the selection menu to a map display, Shmueli at least teaches a known graphical user interface displayed in menu format for the user to select a function in the menu (para 0053), since Noble teaches displaying a menu with the map display (fig.2), moving the menu taught by Noble to overlap the map at the location where the common indicator symbol is would have been obvious matter of design choice, especially, this menu presentation format with graphical user interface features has been suggested by Shmueli in fig.6.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

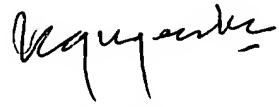
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (571) 272-6967. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 27, 2006


THU V. NGUYEN
PRIMARY EXAMINER